

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

HECTOR WILFREDO CARWOOD CRUZ
GRISEL MARIA BURGOS BARRETO

DEBTOR

CASE NO. 05-12157 (SEK)

CHAPTER 13

**MOTION TO MODIFY PLAN AFTER CONFIRMATION
PURSUANT TO 11 U.S.C. §1329**

TO THE HONORABLE COURT:

COME(S) NOW the above named Debtor(s), represented by the undersigned attorney, and very respectfully allege(s) and request(s):

1. The Debtor(s), through their attorney, hereby move(s) to modify the Chapter 13 Plan dated 04/11/2006, confirmed on 05/10/2006 (docket #31).
2. Under the post-confirmation modified plan (PCM) dated 06/04/2010, the Debtor(s) would:
 - a. Resume payments into the PCM, starting June 2010 until the sixtieth month of the plan, term which expires on December 24, 2010.
 - b. Provide for the payment of pre-petition arrears to RG Mortgage.
 - c. All funds remaining shall be distributed to general unsecured creditors.
5. The post confirmation modified plan meets all the requirements of the Bankruptcy Code prior to the 2005 amendments, in order to become effective pursuant to the provisions of 11 U.S.C. §1329.
6. The proposed modified plan, if approved, would moot the pending controversy regarding the trustee's objection to a hardship discharge.

WHEREFORE, the Debtor(s) respectfully request(s) this Honorable Court to approve the proposed post confirmation modified plan dated 06/04/2010 pursuant to 11 USC 1329.

Moreover, Debtor(s) pray for this Honorable Court to deem its order issued and entered on May 19, 2010, complied with.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, June 14, 2010.

NOTICE: Within twenty one (21) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which upon information and belief sent a notification of such filing to, José Ramón Carrión Morales, Esq., Chapter 13 Trustee; Monsita Lecaroz Arribas, Esq., Assistant U.S. Trustee; I further certify that a copy of this document was mailed First Class Mail postage prepaid to all parties included in the attached creditor matrix.

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: HECTOR WILFREDO CARWOOD CRUZ
GRISEL MARIA BURGOS BARRETO
DEBTOR(S)

BK. CASE # 05-12157 SEK
CHAPTER 13

CHAPTER 13 PAYMENT PLAN

NOTICE: • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR MONTHLY PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular monthly payment. Secured creditor must notify any change in the monthly payment, three (3) months prior to the effective date of new payment. Those post-petition monthly payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.

- The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee:
☒ directly ☐ by payroll deductions, as hereinafter provided in the PAYMENT PLAN SCHEDULE.
- The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☐ The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

PLAN DATED: June 4, 2010

☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED:

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ UNSECURED CREDITOR

I. PAYMENT PLAN SCHEDULE

\$ 687	x	5	= \$	3,435
\$ 1,400	x	37	= \$	51,800
\$ 0	x	11	= \$	0
\$ 400	x	7	= \$	2,800
\$	x		= \$	0
TOTAL =			60	\$ 58,035

Additional Payments:

\$ to be paid as a LUMP SUM
within with proceeds to come from

☐ Sale of property identified as follows:

☐ Other:

Periodic Payments to be made other than and in addition to the above.

\$ x = \$ 0

To be made on:

PROPOSED PLAN BASE: \$ 58,035

II. ATTORNEY'S FEES

To be treated as a § 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

a. Rule 2016(b) Statement: \$ 2600 -
b. Fees Paid (Pre-Petition): (\$ 1600 -)
c. R 2016 Outstanding balance: \$ 500.00

d. Post Petition Additional Fees: \$ 500

e. Total Compensation: \$ 500

Signed: Hector W Carwood Cruz LY=\$0
DEBTOR
s/ Grisel M Burgos Barreto
JOINT DEBTOR GRISEL MARIA BURGOS BARRETO

III. DISBURSEMENT SCHEDULE SEQUENCE

- A. SECURED CLAIMS:** ☐ Debtor represents that there are no secured claims.
☒ Secured creditors will retain their liens and shall be paid as follows:

☐ ADEQUATE PROTECTION Payments: Cr. \$

☒ Trustee will pay secured ARREARS:

Cr. RG MORT	Cr.	Cr.
Acct. XXX4457	Acct.	Acct.
\$ 894	\$	\$

☐ Trustee will pay REGULAR MONTHLY PAYMENTS:
(please refer to the above related notice, for important information about this provision)

Cr.	Cr.	Cr.
Acct.	Acct.	Acct.
Monthly Pymt.\$	Monthly Pymt.\$	Monthly Pymt.\$

☐ Trustee will pay IN FULL Secured Claims:

Cr.	Cr.	Cr.
\$	\$	\$

☐ Trustee will pay VALUE OF COLLATERAL:

Cr.	Cr.	Cr.
\$	\$	\$

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. Ins. Co. Premium: \$
(Please indicate in "Other Provisions" the insurance coverage period)

☒ Debtor SURRENDERS COLLATERAL TO Lien Holder: BPPR SINCE 6/09 (XX9001 & 2)

☒ Debtor will maintain REGULAR PAYMENTS DIRECTLY to:
RG MORTGAGE

B. PRIORITIES. The Trustee will pay §507 priorities in accordance with the law [§1322 (a)(2)].

C. UNSECURED PREFERRED: Plan ☐ Classifies ☐ Does not Classify Claims.

☐ Class A: ☐ Co-debtor Claims: ☐ Pay 100% / ☐ "Pay Ahead":

☐ Class B: ☐ Other Class:

Cr.	Cr.	Cr.
\$	\$	\$

D. GENERAL UNSECURED NOT PREFERRED: (Case Liquidation Value = \$)

☐ Will be paid 100% plus % Legal Interest. ☐ Will be paid Pro-Rata from any remaining funds

OTHER PROVISIONS:

ATTORNEY FOR DEBTOR: WINSTON VIDAL GAMBARO, ESQ.

Phone: (787) 751-6114

Label Matrix for local noticing
0104-3
Case 05-12157-SEK7
District of Puerto Rico
Old San Juan
Tue Mar 30 11:48:27 AST 2010

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Bypassed recipients 3
Total 60